

# **EXECUTIVE COUNCIL OF IOWA AGENDA**

**State Capitol - Robert D. Ray Conference Room (G09) 10:00 a.m.**

**JUNE 24, 2013**

1. Introduction of Attendees
2. Approval of minutes of meeting held June 17, 2013
3. Outside Counsel – Page 1  
TAB # 1
4. Leases – Pages 1 - 2
5. Payment of Cost Items – Pages 2 - 4
6. Information Items – Page 4  
TAB # 2

### 3. Outside Counsel

- A. The Department of Justice, Attorney General's office requests retention of special counsel pursuant to Iowa Code section 13.3(1) in Jaqueline Salazar v. Fifth Judicial District Department of Correctional Services, State of Iowa and the Second Injury Fund of Iowa, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.

Attorney: Ryan Clark

505 5<sup>th</sup> Avenue

Suite 729

Des Moines, Iowa 50309

Rate: \$80.00 per hour

**TAB # 1**

### 4. Leases

- A. Lease between DNR and Consolidated Grain and Barge Co.  
Date of Lease: Five Year ending April 30, 2018  
Legal Description: An area approximately 405 feet of frontage by 70 feet of depth located within Mississippi River mile 624.32 to 622.37 in Section 6 and 7, Township 93 North, Range 2 West of the 5th P.M., Clayton County, Iowa.  
Annual Fee: \$3,629.00
- B. Lease between DNR and Consolidated Grain and Barge Co.  
Date of Lease: Five Years ending February 28, 2018  
Legal Description: A parcel of the bed of the Mississippi River bed in Section 1, 6, and 7, Township 93 North, Range 2 and 3 West of the 5th P.M., Clayton County, Iowa, at approximate River Miles 624.1-622.28, as described more specifically below:  
The area consists of four segments in three locations listed as:  
Segment A is located at River Mile 624.1 consisting of 400 feet of frontage and 175 feet of depth.  
Segments B and C are located at River Mile 623.44 and extend to River Mile 623.74. This area contains 1400 feet of frontage and 175 feet of depth.  
Segment E begins at River Mile 622.28 and ends at river mile 623.37. This area contains 2200 feet of frontage by 175 feet of depth.  
Annual Fee: \$26,181.00
- C. Lease between DNR and Bunge North America, Inc.  
Date of Lease: Five Years ending December 6, 2017  
Legal Description: A portion of the Mississippi River bed approximately 1500 feet of frontage located a River Mile 633.3 in Section 27, Township 95 North, Range 3 West, in the 5th P.M., Clayton County, Iowa.  
Annual Fee: \$13,945.00

- D. Lease between DNR and Flint Hills Resources Pine Bend, LLC  
 Date of Lease: Five Years ending June 14, 2017  
 Legal Description: A portion of the Mississippi River approximately 170 feet in frontage and 100 feet in depth at river mile 475.4 in the NE ¼ of the NW fractional ¼ of Section 24, Township 77 North, Range 2 East in Scott County, Iowa.  
 Annual Fee: \$1,349.00
- E. Lease between DNR and American River Transportation Company  
 Date of Lease: Five Years ending February 28, 2018  
 Legal Description: A parcel of the bed of the Mississippi River including approximately 1200 feet of frontage by 200 feet of depth located at Mississippi River Mile 636.2 located in Section 10, Township 95 North, Range 3 West of the 5th P.M., Clayton County, Iowa.  
 Annual Fee: \$9,057.00
- F. Lease between DNR and American River Transportation Company  
 Date of Lease: Five Years ending February 28, 2018  
 Legal Description: A parcel of the bed of the Mississippi River including approximately 4000 feet of frontage by 105 feet of depth located at Mississippi River Mile 607.5 located in Section 7, Township 91 North, Range 1 West of the 5th P.M., Clayton County, Iowa.  
 Annual Fee: \$15,848.00

David Dorff, Assistant Attorney General, has reviewed the above leases and approved the leases as to form.

## 5. Payment of Cost Items

- A. Department of Natural Resources..... \$17,388.28  
 Drainage taxes for the following counties:

Calhoun	\$ 20.00
Clinton	\$11,675.00
Dickinson	\$ 1,443.00
Emmet	\$ 737.00
Louisa	\$ 46.00
Monona	\$ 211.00
Polk	\$ 1,867.40
Pottawattamie	\$ 842.00
Winnebago	\$ 82.44
Worth	\$ 464.44

David Dorff, Assistant Attorney General, has reviewed this request and recommends payment.

- B. Patterson Law Firm L.L.P..... \$273.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Donald D. Bordwell, Jr. v. Fort Dodge Correctional Facility and the Second Injury
- C. Patterson Law Firm L.L.P..... \$120.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
David Boal v. University of Iowa, State of Iowa and the Second Injury Fund
- D. Patterson Law Firm L.L.P..... \$200.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
William Gehle v. Iowa State Penitentiary, State of Iowa and the Second Injury Fund
- E. Patterson Law Firm L.L.P..... \$44.50  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
David Ozolins v. University of Iowa and Second Injury Fund of Iowa
- F. Patterson Law Firm L.L.P..... \$56.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Nola Hampton v. Iowa State University, State of Iowa and the Second Injury Fund
- G. Patterson Law Firm L.L.P..... \$73.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Debbie Miller v. State of Iowa and Second Injury Fund
- H. Patterson Law Firm L.L.P..... \$512.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
K.C. Feldbauer v. Fort Dodge Correctional Facility and the Second Injury Fund of Iowa

- I. Patterson Law Firm L.L.P..... \$1,000.50  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Dorothy Hollinger v. Glenwood Resource Center and the Second Injury Fund  
of Iowa

Julie Pottorff, Deputy Attorney General, has reviewed these invoices and  
recommends payment.

**6. Information Items**

This is to advise that Webster and Lee Counties will be included and eligible to  
receive emergency assistance from the allocation approved by Executive Council  
on June 3, 2013 by Proclamation by Governor Branstad.

**TAB # 2**



EXECUTIVE COUNCIL

THOMAS J. MILLER  
ATTORNEY GENERAL  
2013 JUN 20 AM 9:35

JULIE F. POTTORFF  
DEPUTY ATTORNEY GENERAL

Iowa Department of Justice

Address Reply To:  
1305 E. Walnut Street  
Des Moines, Iowa 50319  
Telephone: 515/281-3349  
Fax: 515/281-4209  
Julie.Pottorff@iowa.gov

June 19, 2013

GeorgAnna Madsen  
Executive Secretary  
Executive Council  
State Capitol  
L-O-C-A-L

Re: Retention of Outside Counsel

Dear GeorgAnna:

Our office requests appointment of outside counsel pursuant to Iowa Code section 13.3(1) in *Jaqueline Salazar v. Fifth Judicial District Department of Correctional Services, State of Iowa and the Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee. Because the resolution of this claim may turn on whether the State of Iowa or the Second Injury Fund must pay workers' compensation benefits, our office cannot represent both defendants.

In order to avoid a conflict of interest, the Special Litigation Division has contacted Ryan Clark of the Patterson Law Firm, L.L.P., 505 5<sup>th</sup> Avenue, Suite 729, Des Moines, Iowa, 50309-2390, to represent the Second Injury Fund. Mr. Clark has agreed to represent the Second Injury Fund at the rate of \$80.00 per. Our office will represent the State of Iowa.

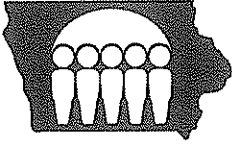
Accordingly, we request Executive Council approval to retain Mr. Clark to represent the Second Injury Fund in this case.

Sincerely,

A handwritten signature in black ink that reads "Julie F. Pottorff".

JULIE F. POTTORFF  
Deputy Attorney General

cc: Julie Burger



# Iowa Department of Human Services

Terry E. Branstad  
Governor

Kim Reynolds  
Lt. Governor

Charles M. Palmer  
Director

2013 JUN 20 PM 6:19  
EXECUTIVE COUNCIL

JUN 18 2013

Executive Council  
Attn: GeorgAnna Madsen  
Capitol Building  
LOCAL

Item: Governor Proclamation of a State of Disaster Emergency – Request for Funds

Dear Ms. Madsen:

Per the Governor Disaster Declaration, I am requesting funding for the Iowa Individual Assistance Grant Program be placed on the Executive Council Agenda for Monday, June 24, 2013. The Iowa Department of Human Services is requesting the Executive Council adopt a Resolution to allow Funds previously granted in the amount of \$500,000.00 for Individual Assistance in Buena Vista, Butler, Cherokee, Floyd, Iowa, Jasper, Marshall, Plymouth, Sioux, Tama, Wright, Grundy, Johnson, Mitchell, Poweshiek, Wapello, Delaware, Linn, Black Hawk, Clay, Buchanan, Henry, Story, Cedar, Chickasaw, Davis, Decatur, Monroe, Greene, Muscatine, Fayette, Des Moines, Webster and Lee counties as added by Governor proclamation, pursuant to House File 896 Section 1 as amended with this same declaration.

The account coding for the funds to be transferred was and remains:

Dept Fund Appr Org  
401 0391 0000 1305\_State Only Disaster – May 19<sup>th</sup> and continuing for Buena Vista, Butler, Cherokee, Floyd, Iowa, Jasper, Marshall, Plymouth, Sioux, Tama, Wright, Grundy, Johnson, Mitchell, Poweshiek, Wapello, Delaware, Linn, Black Hawk, Clay, Buchanan, Henry, Story, Cedar, Chickasaw, Davis, Decatur, Monroe, Greene, Muscatine, Fayette, Des Moines, Webster and Lee counties as amended by Governor proclamation.

Thank you for your assistance.

Sincerely,

Charles M. Palmer  
Director

cc: Vern Armstrong  
Marvin Shultz  
Kris Thomas  
Lee Hill

**From:** Press Release from Iowa Governor's Office <Press.Releases@iowa.gov>  
**Sent:** Wednesday, June 19, 2013 3:59 PM  
**To:** Madsen, GeorgAnna [TOS]  
**Subject:** RELEASE: Gov. Branstad requests Presidential Disaster Declaration

**OFFICE OF THE GOVERNOR**  
**Governor Terry E. Branstad ★ Lt. Governor Kim Reynolds**

FOR IMMEDIATE RELEASE: Wednesday, June 19, 2013  
Contact: Governor's Office 515-725-3518

## **Gov. Branstad requests Presidential Disaster Declaration**

*Branstad also activates Iowa Individual Assistance Program for two counties*

(DES MOINES) – Gov. Terry E. Branstad today signed a letter to be delivered to President Obama requesting a Presidential Disaster declaration for 47 Iowa counties where significant damage was sustained from damaging winds, tornadoes, heavy rains and thunderstorms resulting in severe flooding beginning May 19 and continuing through June 23, 2013.

The governor is making the request for federal Public Assistance Program funding for the counties of Appanoose, Benton, Buchanan, Buena Vista, Butler, Cherokee, Chickasaw, Clay, Clayton, Crawford, Davis, Delaware, Des Moines, Fayette, Floyd, Franklin, Greene, Grundy, Hardin, Henry, Ida, Iowa, Jasper, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Lyon, Mahaska, Marshall, Mitchell, Monona, Monroe, O'Brien, Palo Alto, Plymouth, Poweshiek, Sac, Sioux, Story, Tama, Wapello, Webster, Winnebago and Wright.

A joint federal, state and local preliminary damage assessment of the 47 counties found severe weather caused an estimated \$22 million worth of damage that could be eligible under the Public Assistance Program. Public Assistance funds may be used to rebuild damaged infrastructure that may include roads, bridges, culverts and other public facilities, or to cover costs of emergency work during, and debris removal after the storms.

### **Iowa Individual Assistance Program activated in two counties**

In addition to requesting the Presidential Disaster Declaration, Gov. Branstad also activated the Iowa Individual Assistance Program in Lee and Webster counties.

The Governor originally declared the counties disaster counties on June 7. Both proclamations are a result of storms and flooding that began in the state on May 19.

The Iowa Individual Assistance Program provides grants of up to \$5,000 for home or car repairs, replacement of clothing or food, and for the expense of temporary housing. Original receipts are required for those seeking reimbursement for actual expenses related to storm recovery. The grant application and instructions are available at the "Disaster Assistance" link on the Iowa Department of Human Services website: [www.dhs.iowa.gov](http://www.dhs.iowa.gov).



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